REMARKS

Upon entry of the instant Amendment, Claims 1-27 are pending. Applicants gratefully acknowledge that claim 6 was indicated to be allowable if amended into independent form and to include all the limitations of the base claim and any intervening claims. Claim 6 has been so amended and thus should be allowable.

Claims 1-5 and 7-27 have been rejected under 35 U.S.C. 102(e) as being unpatentable over Burg, U.S. Patent No. 6,219,413 ("Burg"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Burg.

As discussed in the Specification, and in response to the previous Official Action, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing. While activated, the called party can select or enter a customized playback message.

Thus, claim 1 recites "means for generating a user alert in response to the incoming phone call, said generating means including a ring signal detection means;" claim 10 recites "a ringer alerting a called party to the incoming call in response to the detection signal; a command interface for receiving one or more message parameters from the called party; and a controller for activating the command interface in response to the detection signal;" and claim 16 recites "generating, from the recipient telephone, a user alert in response to the incoming telephone call ringing signaling, based on the incoming phone call itself; receiving a command from a called party in response to the user alert; generating from the recipient telephone, an audio message based on the command while the incoming call is pending."

In contrast, as discussed in response to the previous Official Action, Burg provides that a telephone gateway "intercepts" an incoming call when a called party is connected to his Internet service provider over his telephone line, i.e., via a modem. The computer is then alerted to the call, over the data network, but not using a ring signal. The telephone itself receives no notification at all and, in particular, does not receive a notification by a ringing signal. Indeed, the telephone in Burg can *never* be provided with a ringing signal because it is busy.

Embodiments of the present invention, however, provide circuitry in the telephone that detects the ringing signal and, in response, allows a user to generate a message to the calling party. Because Burg does not provide such features in the telephone, as generally recited in the claims at issue, there can be no anticipation. Because Burg nowhere hints that such ringing can be used for recited purposes, Burg likewise does not render the claims obvious.

Further, Applicants note that claim 1 further recites "a timing means responsive to the ring signal detection means for timing a predetermined period during which a called party can select to generate the user message." As noted above, Burg does not provide a ring signal detection means. Burg likewise does not provide a timer responsive to such a detection means.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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